

## **REMARKS**

### **IN THE DRAWINGS:**

It is noted that the drawings were objected to because the Examiner contends that line 15 in Figure 1, lines 42, 50, and 60 of Figures 2 and 3, and lines 142, 150, and 160 of Figure 5 should be dashed to denote underlying structure. Applicants amended these Figures. Approval is requested.

In Figures 2 and 3, W is any width  $W_1$ - $W_4$  or  $W_1'$ - $W_2'$ , as indicated in the specification at p.6, lines 2 to 3.

It is noted that in the previously submitted drawings, there are lines to structures that are undenoted. Applicants request that these lines be deleted as shown in red in the amended drawings.

### **IN THE SPECIFICATION:**

The first full paragraphs on pages 5 and 13 have been amended to correct errors in numbering to make them consistent with the drawings.

### **IN THE CLAIMS:**

The Examiner objects to claims 1-20 because of the following alleged informalities:

- 1) “-facing” (all) should be “-faceable.”

Applicants respectfully disagree that “-facing” is an impermissible informality. In fact, Applicants note that the Examiner previously approved this language in US Patents 5,833,677 and 5,713,883. Withdrawal of the objection is requested.

2) In claim 12, lines 5-6 and 8-9, "a....surface" should be "a first primary surface and a second primary surface."

The claims have been amended and Applicants respectfully request withdrawal of the objection.

#### **UNI-CHARM DOES NOT ANTICIPATE CLAIMS 19 AND 20**

Claims 19-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Uni-Charm, European Patent Application No. 945,110 (hereinafter referred to as Uni-Charm). Present claims 19 and 20 require the delay layer to be a fluid impermeable continuous layer of material. This feature together with the other features claimed in claims 19 and 20 are neither shown nor suggested by Uni-Charm.

It appears the Examiner equates the claimed delay layer with the uppermost insert described at column 7, lines 31-39. They are not the same.

The claimed delay layer substantially affects the flow of fluid passing through the insert. As pointed out in the specification, the phrase, "substantially affect the flow" means that the delay layer substantially impacts or alters the aggregate flow of fluid to a degree that would not be expected in a flow profile of fluid through an insert made only with conventional materials and covering layers. (See p. 10, lines 17-24). Moreover, the fluid impermeable nature forces fluid around the delay layer to the surrounding absorbent layer and evenly distributes the fluid throughout the insert.

In contrast, Uni-Charm shows and describes a layer with holes through the layer. These holes make this layer fluid permeable and allow fluid to pass through to the

garment below. Therefore, Uni-Charm does not anticipate or render obvious claims 19 and 20. Withdraw of the rejection is requested.

**NILSSON DOES NOT ANTICIPATE CLAIMS 1-18**

Claims 1-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nilsson et al., U.S. Patent No. 3,654,929 (hereinafter Nilsson). Applicants respectfully traverse.

Nilsson teaches a body-fluid absorption article that has a water soluble fluid barrier. To make the barrier, the absorbent layers of the article are coated with a polymer. Again, it appears the Examiner equates the claimed delay layer with the fluid barrier coating in Nilsson. They are not the same.

The claimed delay layer has a first primary surface with a surface area less than that of the first primary surface of the absorbent layer. As a result, the claimed delay layer causes fluids to be evenly distributed throughout the insert.

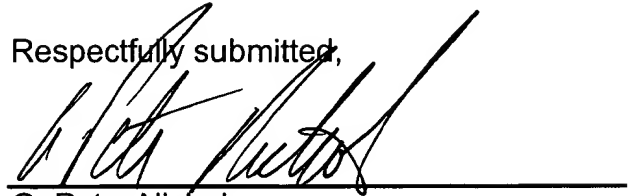
Nilsson does not teach this feature. Rather, Nilsson has a fluid barrier coating on one or more layers of absorbent material. The coated layer(s) is not designed to have a smaller surface area than the absorbent materials on which it is coated. Accordingly, Nilsson cannot and does not anticipate claims 1-18.

Applicants believe they have completely addressed all the objections and rejections raised by the Examiner. Applicants believe that all the claims are in condition to be allowed and respectfully request the same. If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for

allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Peter Nichols', is written over a solid horizontal line.

G. Peter Nichols  
Reg. No. 34,401  
Attorney for Applicants